

## REMARKS

The Office Action of June 1, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application is respectfully requested in view of the amendments and remarks presented in this response.

Claims 1-20, 24, 25, 30-34, 36 and 37 remain pending in this application. The Office Action rejected claims 1-20, 24, 25, 30-34, 36 and 37. New Claims 38 and 39 have been added. Applicants have amended Claims 1-3, 5-16, 18, 23-25, 30, 32-34, and 36-37 to clarify the scope of the claims. No new matter has been added.

### Information Disclosure Statement

Applicants note that a Supplemental Information Disclosure Statement based on an EP search report in a corresponding EP application, was filed on May 30, 2007. Applicants request that an initialed form PTO-1449 be returned with the next action.

### Claim Objections

Claims 3, 6, 9, 14, 20 and 36 are objected to because the claims refer to the process by the reference numerals. Applicants have amended the claims to correct this alleged informality.

### Claim Rejections Under 35 USC § 112

Claims 1-20, 23-25, and 30-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to Claim 1, the Office Action states that "It is unclear whether the synchronous media playback occurs with respect to initial starting of the synchronization process OR is with respect to ongoing synchronization process." Applicants have amended the preamble to the claim, and respectfully submit that this clarifies the issue.

With regard to Claim 6, the Office Action states that "The functionality of providing "elapsed time" is unclear. It is unclear whether the elapsed time, i.e. delay is with respect to

connection, terminal, server or media.” Applicants have amended Claim 6 to clarify this recitation.

With regard to Claim 7, Applicants believe that language of the claim is clear in reciting “the second internal time is derived from the global time”. Applicants refer to the specification, including paragraph [39], for support for this feature.

With regard to Claim 23, Applicants have amended this claim, and also Claim 14, to correct the confusion for what the “other” terminal is. Applicants appreciate the Examiner noting this issue.

### **Claim Rejections Under 35 USC § 103**

Claims 1, 2, 4-6, 8-19, 23-25, 30-34 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liou (WO 99146702) in view of Dalrymple et al. (hereinafter Dalrymple, US 6,976,094 B1). Applicants traverse this rejection.

Applicants have amended Claim 1 to recite the feature that “if the second terminal does not have the media file, the terminal downloads the media file before sending the media playback accept response”. Support for this feature may be found in the specification, *inter alia*, in paragraphs [29] and [30].

None of the cited prior art references, either separately or combined, disclose or suggest this feature. Liou discloses controlling an actual VCR (video cassette recorder), or a simulated VCR on a computer, see page 10 lines 1-7. Liou discloses sending commands for controlling such real or simulated VCR, but Liou makes no disclosure about how the video itself is distributed to viewers.

Further, as the Office Action observes on Page 6, Liou does not disclose “the process of transmitting a media playback request received from a first terminal to a second terminal, and the process of relaying a media playback accept response from the second terminal to the first terminal.” Accordingly, Applicants assert that Liou can not disclose the feature of the media

playback accept response not being sent until the second terminal has the media file, because Liou does not even disclose a media playback accept response.

Applicants also assert that Dalrymple does not disclose this feature either. The call setup procedure described in Dalrymple with reference to Fig. 2 and Fig. 4 does not depend on determining if any file (media file or otherwise) needs to be downloaded. As described in Col. 3 lines 50 to col. 4 lines 46, after a caller send an INVITE message, the callee responds with a ACK (acknowledge) message, however there is no description of first determining if a media file needs to be downloaded. Therefore, Dalrymple does not disclose this feature. Further, none of the other cited references, either alone or combined, disclose this feature.

Accordingly, Applicants assert that Claim 1 is allowable over the cited references. Independent Claims 11, 14 23, 34, 36 and 37 have also been similarly amended. Accordingly, Applicants assert that all independent claims, and all claims dependent upon them are allowable.

With regard to Claim 10 the Office Action on Page 10 states that “Liou discloses the process of instructing the second terminal to modify the media file in accordance with a modification file during the playback session (pg. 12 L12-25). Applicants disagree. Liou at page 12 lines 12-25 disclose user annotations. Liou does not disclose a modification file. Accordingly, Applicants assert that Claim 10 is allowable independent of it depending on an allowable parent claim.

Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liou (WO 99146702) in view of Dalrymple et al. (hereinafter Dalrymple, US 6,976,094 B1) and Agresta et al. (US 2002/0091848). Applicants traverse this rejection. Claims 3 and 20 depend from allowable parent claims, are therefore are allowable.

**New Claims**

Applicants have added new dependent Claims 38 and 39, which include subject matter disclosed in Claim 34 and Claim 10 respectively. Applicants assert that these claims depend from allowable independent Claim 34, and are therefore allowable.

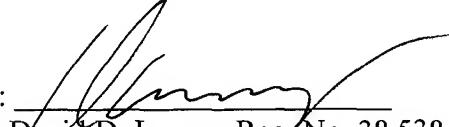
**CONCLUSION**

In view of the above amendments and remarks, reconsideration of all pending claims in the application is respectfully requested. All rejections having been addressed, Applicants respectfully submit that the application is in condition for allowance and respectfully request prompt notification of the same. If the Examiner should have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

The Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 for any fees due in connection with the filing of this response.

Respectfully submitted,

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By:   
David D. Lowry, Reg. No. 38,538  
Banner & Witcoff, Ltd.

28 State Street, 28<sup>th</sup> Floor  
Boston, MA 02109-1775  
Telephone: 617-720-9600  
Fax: 617-720-9601